

WOODWAY CITY COUNCIL MINUTES

September 14, 2020

The Woodway City Council met in a regular meeting via a virtual Zoom meeting, on Monday, September 14, 2020, at 5:30 p.m. The following individuals were in attendance:

Mayor:	Jane Kittner
Mayor Pro Tem:	Vic Sober
Councilmembers:	Scott A. Giddings, David Mercer, David Russell and Storey Cook
Absent:	Amine Qourzal
City Manager:	Shawn Oubre
City Secretary:	Donna Barkley
City Staff:	Lenny Caballero, Mitch Davison, Bret Crook and Keith Lowrey
Contract Staff:	None
Registered Guests:	Scott Wetzel, CP&Y, 200 W. Hwy 6, Waco, Texas

CALL MEETING TO ORDER

Mayor Kittner called the meeting to order at 5:33 p.m.

INVOCATION

1. INVOCATION

Mayor Pro Tem Sober provided the invocation.

PRESENTATIONS AND VISITORS

2. HEAR VISITORS

No visitors came forward at this time.

EXECUTIVE SESSION

3. AN EXECUTIVE (CLOSED) SESSION WILL BE HELD PURSUANT TO §551.071 OF THE *TEXAS GOVERNMENT CODE* SO THAT THE CITY COUNCIL MAY SEEK AND RECEIVE ADVICE AND COUNSEL ON PENDING OR THREATENED LITIGATION AND LEGAL POSITIONS/CLAIMS OF THE CITY, CONTROVERSIES, AND DISPUTES WHERE THE PROFESSIONAL OBLIGATIONS OF THE CITY'S ATTORNEY TO THE CITY AS CLIENT CONFLICT WITH THE OPEN MEETINGS ACT – SANITARY SEWER PROJECT

Mayor Kittner called the City Council into Executive Session at 5:35 p.m.

Mayor Kittner called the City Council meeting back into regular session at 6:48 p.m.

OPEN SESSION

4. DISCUSSION AND CONSIDER ACTION ON SELECTING PROPOSAL OF CONTRACTOR TO CONSTRUCT AND INSTALL PHASE II, SEGMENTS A AND B OF THE FAIRWAY GRAVITY SANITARY SEWER PROJECT

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Dr. Oubre provided that the City has been going through a very extensive main sewer line replacement project for several years. Initially, the project would be throughout the whole City. However, there were some failures in one portion so it was broken into two phases. Phase I was completed earlier this year and about the same time, Phase II was designed and bid. When we opened the bids in late June, there were two bidders and both qualified for the project; however, the bids came back higher than what we had in the remaining funds to complete the project. We are asking you to consider awarding the lowest bidder two components of Phase II which are A and B totaling \$6,646,713.69. Scott Wetzel with CP&Y is available for any questions.

There were no questions by the City Council.

Mayor Pro Tem Sober moved to award the proposal to S.J. Louis Construction of Texas in the amount of \$6,646,713.69, to construct and install Phase II, segments A and B of the Fairway Gravity Sanitary Sewer Project. Councilmember Russell seconded, and the motion passed unanimously by the Councilmembers present.

ITEMS FOR INDIVIDUAL DISCUSSION, CONSIDERATION AND/OR ACTION

5. DISCUSSION AND CONSIDER ACTION ON ORDINANCE 20-11 AMENDING CHAPTER 10, MOTOR VEHICLES AND TRAFFIC, OF THE CITY OF WOODWAY CODE OF ORDINANCES, ARTICLE II, JUNKED VEHICLES, SECTION 10-23, DEFINITIONS AND RULES OF CONSTRUCTION

Dr. Oubre provided that while reviewing ordinances to make sure they are current we realized this particular ordinance was not following state law. The Judge, the Prosecutor, the Municipal Court Clerk, the Police Chief and the Code Enforcement Officer with the Assistant City Manager reviewed it to see what needed to be updated. The only two components found that needed to be changed were: 1) to follow state law, we changed the years to qualify as an antique vehicle to twenty-five (25) years from thirty (30) years; 2) An antique vehicle must be operable and if it isn't, it has to be screened by the same guidelines as our prohibited vehicles. This will allow us a little flexibility to enforce.

Questions were addressed by Dr. Oubre and Chief Crook.

Councilmember Russell moved to adopt Ordinance 20-11 amending Chapter 10, Motor Vehicles and Traffic, of the City of Woodway Code of Ordinances, Article II, Junked Vehicles, Section 10-23, Definitions and Rules of Construction. Councilmember Giddings seconded, and the motion passed unanimously by the Councilmembers present.

6. DISCUSSION AND CONSIDER ACTION ON AUTHORIZING THE CITY MANAGER TO NEGOTIATE THE RELEASE OF THE CUL-DE-SAC ON RED RIVER DRIVE, WHILE MAINTAINING A UTILITY EASEMENT ON RED RIVER

Dr. Oubre provided that this cul-de-sac has no use to the City, is in need of repair and doesn't have any traffic count on it. This is an area where the ground shifts, and it breaks up the black-top and the curb area. The two adjoining property owners to the cul-de-sac have built new homes and this allows them easier access to their back yards to maintain or add additional development on their own properties. They have inquired a couple times asking the City to release the cul-de-sac.

There was a brief discussion and Dr. Oubre answered questions.

Mayor Pro Tem Sober moved to authorize the City Manager to negotiate the release of the cul-de-sac while

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maintaining a utility easement on Red River to allow backyard access to the owners at 1201 White River Drive and 9308 Red River. Councilmember Russell seconded, and the motion passed unanimously by the Councilmembers present.

7. DISCUSS AND CONSIDER ACTION ON NEW CITY SEAL LOGO

Dr. Caballero presented twelve different designs for the new City Seal logo and asked the Council to recommend the designs that grabbed their attention.

City Council complimented the new branding logos and the new newsletter format.

After reviewing the designs and brief discussion it was narrowed to numbers six (6) and seven (7) and asked Dr. Caballero to provide examples of the logo on shirts for them to review.

Councilmember Russell moved to postpone action on this item until the next City Council meeting. Councilmember Cook seconded, and the motion passed unanimously by the Councilmembers present.

8. DISCUSSION AND BRIEFING CONCERNING THE CORONAVIRUS (COVID-19) AND ANY ACTIONS NECESSARY THERETO

Dr. Oubre provided that last week the Governor extended his order of the original declaration. Nothing has really changed since our last meeting that impacts us.

Next month, First Woodway Baptist Church will be hosting an outdoor concert. They are managing it and will send us traffic information. Religious functions are exempt from the Governor's Order.

As of today, we still don't have any employees exposed from employees on-site or performing their duties as employees in the City of Woodway.

We continue to have very light bookings at the Pavilion for weddings. The crowds are very small and manageable. We still aren't having any programs at the Woodway Family Center.

To tie into the COVID report, flu shots will be made available and free of charge to City Council, employees and any adult members in their household.

There are no items in need of action.

CONSENT AGENDA

9. A. DISCUSSION AND CONSIDER ACTION ON MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD AUGUST 24, 2020, AT 5:30 P.M.
- B. DISCUSSION AND CONSIDER ACTION ON APPOINTMENT OF JUDGES TO THE MUNICIPAL COURT OF RECORD FOR A TERM OF TWO (2) YEARS
- C. DISCUSSION AND CONSIDER ACTION ON RESOLUTION R-20-15, APPROVING A NEGOTIATED SETTLEMENT BETWEEN THE ATMOS CITIES STEERING COMMITTEE ("ACSC") AND ATMOS ENERGY CORP., MID-TEX

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DIVISION REGARDING THE COMPANY'S 2020 RATE REVIEW MECHANISM FILING; DECLARING EXISTING RATES TO BE UNREASONABLE; ADOPTING TARIFFS THAT REFLECT RATE ADJUSTMENTS CONSISTENT WITH THE NEGOTIATED SETTLEMENT; FINDING THE RATES TO BE SET BY THE ATTACHED SETTLEMENT TARIFFS TO BE JUST AND REASONABLE AND IN THE PUBLIC INTEREST; APPROVING AN ATTACHED EXHIBIT ESTABLISHING A BENCHMARK FOR PENSIONS AND RETIREE MEDICAL BENEFITS; APPROVING AN ATTACHED EXHIBIT REGARDING AMORTIZATION OF REGULATORY LIABILITY; REQUIRING THE COMPANY TO REIMBURSE ACSC'S REASONABLE RATEMAKING EXPENSES

Dr. Oubre provided comments on Items B and C and there were no items removed for separate discussion.

10. DISCUSSION AND CONSIDER ACTION ON CONSENT AGENDA

Mayor Pro Tem Sober moved that the Consent Agenda be approved as follows:

- A. Approve the minutes of the regular City Council meeting held on August 24, 2020, at 5:30 p.m.
- B. Reappoint Rod Goble as primary judge and David Bass as alternate judge for the City of Woodway Municipal Court of Record
- C. Adopt Resolution R-20-15, approving a negotiated settlement between the ATMOS Cities Steering Committee ("ACSC") and Atmos Energy Corp., Mid-Tex Division regarding the Company's 2020 rate review mechanism filing; declaring existing rates to be unreasonable; adopting tariffs that reflect rate adjustments consistent with the negotiated settlement; finding the rates to be set by the attached settlement tariffs to be just and reasonable and in the public interest; approving an attached exhibit establishing a benchmark for pensions and retiree medical benefits; approving an attached exhibit regarding amortization of regulatory liability; requiring the Company to reimburse ACSC'S reasonable ratemaking expenses

Councilmember Giddings seconded the motion, and the motion passed unanimously by the Councilmembers present.

CITY MANAGER AND CITY COUNCIL REPORTS

11. CITY MANAGER'S REPORT

Dr. Oubre provided the following:

- We hired a contractor to mow center median on Hwy 84.
- Due to COVID-19 we are holding off on presentations being made in person; therefore, funds raised from the Bound for the Brave Race put on by the Youth Commission will be split between the Texas Police Chiefs Association and the McLennan 100 Club and mailed to them. The total raised was \$14,570 so they will each received a check in the amount of \$7,285.00.
- Since we worked on the budget, we received good news that we will be seeing a little more savings on the healthcare cost.

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12. CITY COUNCIL REPORTS

Councilmember Giddings thanked the Mayor for allowing the Youth Commission to meet in person at the Woodway Family Center. Social distancing was in place and they wore their masks. New police officers are in charge and the Youth Commission also elected new officers for the year. The kids were very happy to get together.

CLOSING ITEMS

13. CONSIDER ACTION ON THE OPEN MEETINGS ACT RESOLUTION

Councilmember Russell moved to approve the Open Meetings Act Resolution. Mayor Pro Tem Sober seconded the motion, and the motion passed unanimously by the councilmembers present.

14. CONSIDER ACTION ON ADJOURNMENT

Councilmember Giddings moved to adjourn the meeting. Mayor Pro Tem Sober seconded the motion, and the motion passed unanimously by the councilmembers present. The meeting adjourned at 7:05 p.m.

Donna Barkley, City Secretary

Jane Kittner, Mayor